

Decision and Finding of No Significant Impact

Predator Damage Management to Protect Avian Wildlife in Hawaii

United States Department of Agriculture,
Animal and Plant Health Inspection Service,
Wildlife Services
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1. Introduction

The United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services program (WS) prepared an environmental assessment (EA) entitled Predator Damage Management to Protect Avian Wildlife in Hawaii. The EA proposed to implement a program to reduce or alleviate predation caused by introduced mammals and the cattle egret (*Bulbulcus ibis*) on populations of native forest birds, waterbirds, seabirds, the Hawaiian (nene) goose (*Branta sandvicensis*), and introduced game birds. The action supports federal recovery and conservation plans, and state action plans which call for the control of predation to assist in the conservation of endangered species, migratory seabirds and game birds in the state of Hawaii.

The EA presents an analysis of the potential impacts of the proposed integrated predator damage management program to assist requesting agencies and the public with resolving threats and damages to avian wildlife. The proposed action was compared with a "No Action" alternative. In response to public comments, another alternative was evaluated in the EA that would require the use of non-lethal methods to be used before lethal methods of predation management could be applied.

I have reviewed the February 2010 final EA and the public and agency comments received on the EA, and I have decided to adopt the proposed action and implement the integrated predator damage management alternative as described in the EA, and to issue this Finding of No Significant Impact (FONSI).

2. Purpose

The purpose of the proposed action is to reduce or alleviate predation caused by introduced mammals and the cattle egret on populations of native forest birds, waterbirds, seabirds, Hawaiian goose, and introduced game birds. The action supports federal and state actions to protect and enhance endangered species, protect migratory seabirds and provide recreational hunting opportunities in the state of Hawaii.

3. Issues

The following issues, fully defined in the EA, were identified during the NEPA process as important to Wildlife Services, the cooperating agencies and the public, and were used to drive the environmental analysis and compare the impacts of the alternatives.

- Effects on target species
- Effects on non-target species
- Effects on Threatened and Endangered Species
- Humaneness of Methods

4. Decision and Rationale

The alternative courses of action were developed based on the reasonable options that could be used by Wildlife Services to assist requestors with alleviating introduced predator threats and damages to avian wildlife. For the reasons indicated below, I have decided to select the Proposed Action as described in the EA and to issue a FONSI.

Alternative 1 – Proposed Action: Continue the Current WS Predator Control Program (also called the NEPA “No Action” Alternative)

The current integrated wildlife damage management (IWDM) program is the Proposed Action in this EA. It is also the “No Action alternative”, which is a procedural NEPA requirement (40 CFR 1502). The IWDM alternative serves as a baseline for comparison with alternatives. The No Action alternative can be defined as no change from the current course of action. This alternative provides an array of tools and management methods which may be selected to protect native wildlife and wildlife with economic or recreational value.

The Proposed Action is an integrated wildlife damage management approach. A major goal of the program is to protect endangered species, seabird and game bird populations. To meet this goal, WS would continue to respond to requests for assistance with, at a minimum, technical assistance, or where appropriate when permitted by the USFWS and HDLNR, operational introduced mammalian predator management whereby WS personnel conduct wildlife control actions. An IWDM approach would continue to be implemented under this alternative allowing for the use of legally available methods, either singly or in combination, to meet predator management needs for reducing depredations. Natural Resource managers requesting assistance would be provided information regarding the use of effective non-lethal and lethal techniques, as appropriate. Non-lethal methods and technical assistance instruction and advice can include use of environmental or habitat modifications, live traps, padded offset steel jaw leg hold traps, exclusionary devices, and leg snares. Lethal methods considered by Wildlife Services include American Veterinary Medical Association approved euthanasia techniques, such as CO₂ gas and shooting.

Predator control would be allowed in the State, when requested, on private or public property where a need has been documented and an Agreement for Control or other comparable document has been completed. All management actions would comply with appropriate laws, orders, policies, and regulations. Migratory Bird permits to control cattle egrets are provided by the USFWS after an independent review of the WS proposal.

The most effective approach to resolving wildlife damage is to integrate the use of several methods simultaneously or sequentially. The philosophy behind IWDM is to implement

effective management methods in a cost-effective manner while minimizing the potentially harmful effects on humans, target and non-target species, and the environment. IWDM draws from an array of options to create a combination of methods for the specific circumstances.

Based on the analysis in the EA, the Proposed Action alternative was found to have negligible commitments of irreversible and irretrievable resources (from the use of fossil fuels and electrical energy), and would not have any significant cumulative effects on wildlife populations including any protected species, including threatened and endangered or other native species and migratory birds. No endangered species have been harmed at sites where predator management is conducted by Wildlife Services. Based on a consultation with the United States Fish and Wildlife Service, Wildlife Services has concluded that wildlife damage management activities would not be likely to adversely affect threatened or endangered species. The proposed action benefits endangered species by reducing predation and enhancing recovery of the endangered populations.

Population data are not available for mammal species taken but these species are abundant and their populations would not be expected to be adversely affected due to high reproduction and recruitment rates. Population level effects are not expected, but any removals could be considered a potential (if minor) benefit to Hawaii's ecosystem. Local, mostly temporary impacts may be seen in localized project areas. Continuation of the current program would be likely to produce similar or possibly greater take of target species, however, due to the legal status and relative abundance of these species, increased effects would be considered to be beneficial to the local environment from which individuals are removed.

Alternative 2 – Technical Assistance to Natural Resource Managers

This alternative would require that upon request, WS would provide assistance in the form of information, demonstrations, and advice on available and appropriate predator control methods. Technical assistance includes demonstrations on the proper use of management devices (i.e., cage traps, shooting) and information on habitat management, and animal behavior modification that could reduce predation. The implementation of these actions is then the responsibility of the requester, as are all environmental compliance procedures including consultation with the USFWS on actions that may affect federally listed species under the Endangered Species Act. WS is not responsible for any permits or other compliance measures triggered by actions of the parties implementing these actions. Wildlife Services has no regulatory authority to enforce any of its recommendations, or the environmental compliance requirements of such actions. Technical assistance is generally provided following consultation or an on-site visit with the natural resource manager. Generally, several management strategies are described to the requester for short and long-term solutions to predation problems; these strategies are based on the level of risk, need, and practical application. Technical assistance has no provisions for direct control actions by Wildlife Services.

This alternative was not selected because it would be less effective than the Proposed Action by not allowing the program to best use its expertise to assist the public with managing

predation. The technical assistance alternative was determined to result in greater negative environmental consequences than the proposed action. Under this alternative, Wildlife Service would have no effect on non-native predator populations, non-target species, or threatened and endangered species.

Alternative 3 - Nonlethal Required Before Lethal Control

This alternative would not allow any lethal control by WS until non-lethal methods had been tried and found to be inadequate in each predation situation. Under this alternative, nonlethal methods would have to be tried first, and lethal control would only be used if nonlethal techniques are used first but fail to stop damage. Any or all of the nonlethal methods listed under the proposed action could be used or recommended, and in theory, any or all of the lethal methods could be used after non-lethal methods were tried. This alternative would require that: 1) resource owners show evidence of sustained and ongoing use of non-lethal techniques aimed at preventing or reducing damage, prior to receiving the services of WS; 2) employees of WS use or recommend appropriate non-lethal techniques in response to a confirmed damage situation prior to using lethal methods; and 3) lethal techniques be used only when the use of husbandry or non-lethal techniques had failed to keep damage losses below an acceptable level as indicated by the cooperator. This alternative is analyzed and discussed in the FEIS (USDA 1997, revised). Resource owners or other agencies would still have the option of implementing lethal control measures on their own and WS would continue to recommend lethal control when and where appropriate.

This alternative was not selected because it would be less effective than the Proposed Action by not allowing the program to best use its expertise to assist the public with managing predation. The Nonlethal Required Before Lethal Control alternative was determined to result in greater negative consequences to threatened and endangered species, seabird and gamebird populations by exposing them to greater risk of predation while nonlethal methods are implemented.

5. Public Involvement

Public participation in the National Environmental Policy Act (NEPA) process for the pre-decision EA was conducted consistent with Wildlife Service's NEPA procedures. Issues related to the proposed action were identified from Wildlife Services, cooperating agency input, prior public involvement for similar EAs, and a 30-day public comment period for the pre-decision EA. The pre-decision EA was prepared in consultation with cooperating agencies and a pre-decisional EA was issued to the public on August 8, 2009 via direct mailings to individuals and groups thought to be interested in the proposal, publication of a legal notice in the Honolulu Advertiser, and posting the document on the Wildlife Services NEPA web page at http://www.aphis.usda.gov/regulations/ws/ws_nepa_environmental_documents.shtml. Public comments received on the pre-decision EA are noted below. A notice of the availability of final EA and this Decision and FONSI will be issued to the public in the same manners as the pre-decision EA.

Responses to Public Comments
Environmental Assessment for Predator Damage Management to Protect Avian Wildlife in
Hawaii

1. Comment. Alternatives proposed include:

- a. non-lethal control must be used and fail before lethal control can be used;

In response to this comment, Alternative 3, Non-lethal Required Before Lethal Control was added to the analysis in the EA. Usually Wildlife Services is requested to assist resource managers in managing predation on other wildlife populations because there is a necessity to use lethal methods to remove predators. Non lethal methods such as translocation or delivering animals to shelters, may not be desirable, in fact, most shelters will destroy trapped dogs and cats since they are wild and unadoptable, and translocation of mongoose, pigs or rats and mice is generally discouraged by state wildlife managers.

- b. lethal control should only be used if there is an eminent or proven threat to human health or safety;

The EA addresses predator control to protect threatened and endangered species, seabird colonies and game birds, it does not address problems with animals that threaten human health and safety. This option would not meet the purpose and need to prevent predation on avian wildlife.

- c. lethal control should only be used when the individual animal responsible for damage can be confirmed and targeted.

Selective lethal removal is possible for the occasional stray or free-ranging dog when it is visible and has recognizable markings and features, however in removing small predators that are usually unseen or the individuals are indistinguishable from each other this selectivity is not practical and would limit the effectiveness of the operation and continue to expose the protected resource to risk of being killed by the predator.

2. Comment. The most humane methods should be used to capture and euthanize targeted predators.

WS evaluates all potential tools for their humaneness and must also weigh effectiveness, the ability to target specific individuals as well as the species, cost, and potential impacts on human safety.

3. Comment. Comments on specific methods include: WS should use cage traps, not leg-hold traps to capture and transport dogs and cats to shelters for behavioral assessments and adoption, if appropriate

See response to 1.a.

4. Comment. The EA does not define the term “humane”, therefore it remains subjective.

Mammals experience pain is likely similar or identical to that experienced by humans. Animals are shown to have empathy; therefore there is no argument that pain and stress are not quantifiable.

5. Comment. Unnecessary death should be avoided. Lethal control without actions to prevent recurrence of the problem is unacceptable.

The Invasive Species Executive Order 13112 establishes guidance to agencies in part to provide for their control and to minimize the economic and ecological impacts that invasive species cause. It is often necessary to lethally control invasive species. Typically populations of threatened and endangered species, seabirds and game birds are subject to free ranging predators and lethal control is often, by necessity recurring since other individual predators will move into the area and continue predation. One resource manager is proposing to use predator proof fencing, but this alternative is available to the resource manager and not Wildlife Services which may advise such actions but is relegated to using methods such as traps, snares and shooting.

6. Comment. WS places a higher priority on efficacy of methods than it does on humaneness.

When implementing management activities, WS evaluates all potential tools for their humaneness, effectiveness, ability to target specific individuals as well as species, and potential impacts on human safety. The American Veterinary Medical Association (AVMA 2007) also recognizes that “for wild and feral animals, many recommended means of euthanasia for captive animals are not feasible. The panel recognized there are situations involving free-ranging wildlife when euthanasia is not possible from the animal or human safety standpoint, and killing may be necessary.” AVMA states that in these cases, the only practical means of animal collection may be gunshot and lethal trapping, and that personnel should be proficient, and use the proper firearm and ammunition. WS policy and operating procedures are in compliance with these guidelines, and the WS program recognizes the importance of careful decision-making regarding use of lethal methods.

7. Comment. Shooting free roaming animals is not an acceptable method of euthanasia.

See response to comment 6.

8. Comment. Steel jaw traps, conibear traps do not meet AVMA standards for a humane death, and are not supported by the IAFWA.

The American Association of Wildlife Veterinarians (AAWV) and The Wildlife Society (TWS) consider trapping an acceptable tool in wildlife management, stating “The capture and handling of wildlife is necessary for wildlife conservation, research, disease surveillance, and management, as well as to protect property and human and domestic animal health. Foot-hold traps are important tools for achieving these objectives and, when

used properly, are humane, safe and practical.” Further, TWS asserts the following in its Position Statement on Traps, Trapping, and Furbearer Management; “Trapping is a primary tool of most animal damage control programs and an important technique in wildlife research. In some situations, trapping is important in furbearer management and the management of other species and can be effective in reducing or suppressing wildlife diseases.”

Conibear traps are not included in the proposal.

See also response to comment 6.

9. Comment. Requests that predators be trapped and relocated as a last resort before lethal control is used.

Relocation of non-native predators to protect native species or game birds is not a common wildlife management practice in Hawaii. In addition, WS Directive 2.501, Translocation of Wildlife, states that translocation of wild mammals is not a biologically sound practice in many situations. Considerable stress can be placed on relocated animals during handling and transportation. Difficulty in adapting to new locations or habitats may also reduce survival rates. Studies indicate that surviving animals seldom remain at the release location. There may also be problems associated with liability to the WS program if the translocated animal causes future damage or transmits a zoonotic disease. The American Veterinary Medical Association, the National Association of State Public Health Veterinarians, and the Council of State and Territorial Epidemiologists oppose relocation of mammals because of the risk of disease transmission among wild mammals.

10. Comment. If trapping and relocation must be used as a last resort, address ways to minimize injury to animals (for example, use trap-tranquilizer device and modified neck snares to live capture animals).

Padded and off-set steel leg hold traps are used, traps are checked every 24 to 48 hours or more frequently.

WS standard operating procedures include minimization measures identified in the EA in Table 3.

11. Comment. The overarching emphasis on lethal management in the EA is not reflective of ecological needs of target species or the health of the affected T&E species populations.

All target species in this proposal are non-native or invasive species that are damaging to the ecology and economy of Hawaii. Therefore, the targeted species are not species that are managed by the State of Hawaii or other agencies to maintain their populations. Any population reduction is considered to be beneficial to the environment.

Literature

American Veterinary Medical Association (AVMA). 2007. AVMA guidelines on euthanasia. 36 pp.

Finding of No Significant Impact

A careful review of the EA indicates that there will not be a significant impact on the quality of the human environment as a result of this proposal. I agree with this conclusion, and therefore, determine that an Environmental Impact Statement (EIS) will not be prepared. This determination is based on consideration of the following factors:

1. The proposed activities will occur in localized areas on specific properties in the State of Hawaii as requested by land and resource managers following recovery and other management plans as defined in the EA. The proposed activities are not national or regional in scope.
2. The proposed activities will not significantly affect public health and safety. The methods used to control non-native predators are target specific and are not likely to affect public health and safety.
3. The proposed activities will not have an impact on unique characteristics of the geographic area such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas. The nature of the methods proposed do not affect the physical environment.
4. The effects on the quality of the human environment of the proposed activities are not highly controversial. Although some people are opposed to some aspects of wildlife damage management, the methods and impacts are not controversial among experts.
5. The possible effects of the proposed activities on the quality of the human environment are not highly uncertain and do not involve unique or unknown risks.
6. The proposed activities do not establish a precedent for actions with future significant effects or represent a decision in principle about a future consideration.
7. There are no significant cumulative effects identified by this assessment. The EA described that while other sources of mortality for targeted mammal species are not available, these non-native species are abundant and their populations would not be expected to be adversely affected due to high reproduction and recruitment rates, and population level effects are not expected. Due to the legal status and relative abundance of these species, any effect would be considered to be beneficial to the local environment from which individuals are removed.
8. The proposed activities will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor will it cause a loss


or destruction of significant scientific, cultural, or historical resources. The methods proposed do does not have the potential to affect historic properties.

9. The proposed activities will fully comply with the Endangered Species Act of 1973, as amended. The EA shows that the proposed activities would not jeopardize the continued existence of the Hawaiian goose, Hawaiian coot and Hawaiian stilt in one location, and in others would not be likely to adversely affect the Hawaiian goose, Hawaiian coot, Hawaiian stilt, Hawaiian Duck, Hawaiian moorhen, endangered plant species, and the Hawaiian monk seal. The proposed activities may benefit listed avian species by removing non-native predators.

10. There are no irreversible or irretrievable resource commitments identified by this assessment, except for a minor consumption of fossil fuels and electricity for routine operations.

11. The proposed activities will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

For additional information concerning this decision, please contact Mike Pitzler, State Director, USDA APHIS Wildlife Services, 3375 Koapaka St., Suite H-420, Honolulu, Hawaii 96819.



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2/24/10
Date